

D-7800
ADM 1.10

MEMORANDUM

To: Regional Director, PN, MP, LC, UC, GP
Attention: PN-3700, PN-3702, MP-820, LC-3100, LC-3103,
UC-440, GP-3800
Area Manager, Phoenix, AZ
Attention: PxAO-8200, PxAO-8300
Director, Administrative Service Center
Attention: D-2940
Director, Management Services
Attention: D-7800, D-7810

From: Linda Waring Wilson
Manager, Acquisition and Assistance Management Services

Subject: Reclamation Acquisition Regulation ((RAR) Revision
Project Electronic Transmittal No 97-01, Supplement 4

1. Purpose: To transmit revisions to the RAR.
2. Effective date: July 15, 1997.
3. Expiration date: In effect until further revisions.
4. Background: This memorandum (and its supplements) is used to issue final acquisition regulation revisions during fiscal year 1997. The attached RAR changes are made to implement FACs 90-43, 90-44, and 90-45 and to make other changes resulting from recent DIAR revisions and suggestions from Regional acquisition offices.

Draft revisions were issued electronically for comment in May. Several editorial comments were received which resulted in improvement to the final product. Only five comments which would impact the substance of final policy were received, and their disposition is discussed below. We would like to thank all commenters for their in-depth review of the draft changes. Final coverage has been appropriately resequenced.

- a. Comment on WBR 1401.603-1(c): This sounds like only 1102's may hold warrants. Level I and II CO's can be other than 1102's. Recommend that this be reworded to read, "If the CCO

determines that an individual in an occupational series other than those series designated in the COWS Manual requires CO authority....”

Response: We agree, but, rather than repeat guidance already included in the COWS Manual, we have removed this paragraph from the final coverage.

b. Comment on WBR 1401.603-3(b): Interim warrants should be issued when deemed necessary, even if there is a warranted CO at the same office. Having more than one warranted individual available is a benefit to the office and the CO's so that if one CO is unavailable, either in the field, on annual leave, or sick leave, there is another CO available to handle the work.

Response: We agree that having a backup CO may be a wise decision to address needs that arise when the CO is on travel, sick, or annual leave. Therefore, final language has been changed: "...only when there is no existing Level III or IV contracting officer on site or when necessary to carry out Reclamation's mission." Interim warrant nomination packages should fully document the appropriate circumstances.

c. Comment on WBR 1402.7002-81: It's my understanding that QUIC is still in the pilot stage through FY97 and that all Reclamation offices are not part of the pilot program. Is it appropriate to reference this authority before it's applicable to everyone?

Response: Since there is a %95 probability that the entire Department will come under the purview of QUIC as of October 1, 1997, we feel that it is appropriate to include coverage at this time. If QUIC is not adopted for some unexpected reason, we will delete it from the RAR with the next group of changes.

d. Comment on WBR 1413.402(c): Add, "...except for purchases under \$100. For small purchases under \$100, handwritten entries on the receipt or invoice showing the specified need, appropriate approval(s), and accounting information is encouraged in order to simplify the process of establishing the transaction record."

Response: We agree and have included this language in the final coverage, except for the word "small" in the second sentence of the suggested change.

e. Comment on WBR 1452.215-80: Revise the language on debriefings in accordance with contemporary FAR SUBPART 15.10.

Response: We have revised the clause to reflect both preaward and postaward debriefing procedures.

5. Explanation of substantive changes:

a. PART WBR 1401, TABLE OF CONTENTS, is changed to conform with current DIAR 1401, IARS 97-2

- b. WBR 1401.303-80 is changed to conform with current DIAR 1401, IARS 97-2.
- c. WBR 1401.603-1 is changed pursuant to the new COWS Manual.
- d. WBR 1401.603-3 is changed in accordance with FAC 90-45; FAC Case 96-314; Item I; and the new COWS Manual.
- e. WBR 1401.670-2 is redesignated as WBR 1401.670-4 and changed in paragraph (b) to conform to the current DIAR 1401, IARS 97-2.
- f. WBR 1401.670-81 is changed to conform with commercial item acquisition procedures. Only bilateral changes are authorized for contracts executed under FAR Part 12. (See FAR 52.212-4(c).) Utilizing WBR 1452.201-80 as presently written would conflict this requirement and, therefore, this clause should not be included in commercial item solicitations and contracts.
- g. WBR 1401.70 is redesignated as WBR 1401.80 and rewritten to reflect the sun setting of Reclamation Instructions.
- h. The coverage of acquisition reviews beginning at WBR 1401.7100 has been modified and renumbered under SUBPART 1401.70 to correspond with DIAR 1401.70, except for Distribution of informational copies and Internal and external audits which have been renumbered WBR 1401.7080 and WBR 1401.7081 respectively.
- i. PART WBR 1403, TABLE OF CONTENTS, is changed to be in consonance with FAC 90-45; FAR Case 96-314; Item I.
- j. PART WBR 1403 is rewritten in accordance with FAC 90-45; FAR Case 96-314; Item I. This final rule eliminates all procurement integrity certifications previously required by statute and revises the previous regulatory coverage in several other significant ways.
- k. WBR 1409.506 is changed to eliminate the certification requirement in accordance with FAC 90-45; FAR Case 96-312; Item II.
- l. WBR 1409.507-80 is changed to eliminate the certification requirement in accordance with FAC 90-45; FAR Case 96-312; Item II.
- m. WBR 1413.106-80 is changed to recognize a different standard of documentation when using the special simplified procedures for acquisitions of commercial items at amounts greater than the simplified acquisition threshold but not greater than \$5 million in accordance with FAC 90-45; FAR Case 96-307; Item VII.
- n. WBR 1413.402(c) is changed to reflect authorized Imprest Fund authorization options.

- o. An editorial change is made to WBR 1415.406-5.
- p. WBR 1415.411(a) is changed in accordance with FAC 90-45; FAR Case 96-314; Item I.
- q. WBR 1415.413-80(c) is revised in accordance with FAC 90-45; FAR Case 96-314; Item I.
- r. WBR 1415.608 is changed in accordance with FAC 90-45; FAR Case 96-314; Item I.
- s. WBR 1419.811-3 is changed to reflect the appropriate clause prescription for purchase orders issued under the 8(a) program. Contract formation for these sole source purchase orders would typically involve the alternate procedures (tripartite signature methodology) in FAR 19.811-1(c). Therefore, the clause prescribed by FAR 19.811-3(c) would be appropriate.
- t. WBR 1423.302-83(a) is modified to empower contracting officers to determine applicability of the Asbestos-Free Warranty clause as a result of Regional acquisition office suggestion.
- u. WBR 1423.400 is changed to reflect contemporary Departmental coverage on this subject.
- v. WBR 1425.109-80 is changed to delete reference to the former clause at FAR 52.225-17, Buy American Act -- Supplies, under European Community Agreement. FAR 52.225-17 is now reserved.
- w. WBR 1433.103 is changed in accordance with FAC 90-45; FAR Case 95-309; Item XII. This FAR change also provides for independent review of the contracting officer's decision in response to an agency protest "in accordance with agency procedures." The Office of Acquisition and Property Management has responded to our question on possible DIAR coverage by advising that there will be future coverage, but not for some time. Therefore, we plan to issue proposed RAR coverage in the near future.
- x. PART WBR 1443, TABLE OF CONTENTS, is revised.
- y. WBR 1443 is changed as the result of comments received from Regional acquisition offices.
- z. PART WBR 1452, TABLE OF CONTENTS, is revised to reflect the elimination of the clause at WBR 1452.203-8, Requirement for Certificate of Procurement Integrity.
- aa. WBR 1452.203-8 is removed in accordance with FAC 90-45; FAR Case 96-314; Item I.
- bb. WBR 1452.209-80 changed to eliminate the certification requirement in accordance with FAC 90-45; FAR Case 96-312; Item II.
- cc. WBR 1452.209-82 changed to eliminate the certification requirement in accordance

with FAC 90-45; FAR Case 96-312; Item II.

dd. WBR 1452.209-80 is changed to reflect contemporary debriefing procedures.

ee. WBR 1452.215-81(c) is revised to conform with FAR 52.215-9 (MAR 1997) in accordance with FAC 90-44; FAR Case 95-019; Item V.

ff. WBR 1452.215-82 is changed to conform with current coverage at FAR 3.104-3 in accordance with FAC 90-45; FAR Case 96-306; Item V.

gg. WBR 1452.215-83 is also changed to conform with current coverage at FAR 3.104-3 in accordance with FAC 90-45; FAR Case 96-306; Item V. The use of Windows as well as DOS electronic submission is authorized when using Alternate I.

hh. WBR 1452.215-84 is changed in accordance with FAC 90-45; FAR Case 96-306; Item V. This revision reflects the happy demise of the SF-1412, elimination of the term “certified” cost or pricing data, the conformance mentioned in the preceding paragraph, and the authorization of Windows as well as DOS electronic submission when using Alternate I.

ii. WBR 1452.231-81 is changed to eliminate the definition of “small tools” since coverage of this subject was removed from the clause by a previous revision.

6. Action required:

a. Pen and ink changes: None.

b. Filing instructions. Replacement pages are contained in Attachment 1.

Remove Pages:

TOC, PART WBR 1401
PART WBR 1401
TOC, PART WBR 1403
PART WBR 1403
PART WBR 1409
PART WBR 1413
PART WBR 1415
PART WBR 1419
PART WBR 1423
PART WBR 1425
PART WBR 1433
TOC, PART WBR 1443
PART WBR 1443

Replace Pages:

TOC, PART WBR 1401
PART WBR 1401
TOC, PART WBR 1403
PART WBR 1403
PART WBR 1409
PART WBR 1413
PART WBR 1415
PART WBR 1419
PART WBR 1423
PART WBR 1425
PART WBR 1433
TOC, PART WBR 1443
PART WBR 1443

TOC, PART WBR 1452
PART WBR 1452

TOC, PART WBR 1452
PART WBR 1452

7. Point of contact: Ron Simonich, (303)236-3750, extension 224.

Attachments

bc: D-7800 (8 copies w/attachment)
D-7810 (14 copies w/attachment)

WBR:RSimonich:jml:07/09/97:236-8040x222
H:\HOME\RSIMONICH\ET01-04